

### **REMARKS/ARGUMENTS**

In the Office Action dated January 7, 2009, Claims 1-53 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2005/0131957 to Watkinson ("Watkinson") in view of U.S. Patent Application Publication No. 2003/0083100 to Nakanaga et al. ("Nakanaga"). Applicants appreciate Examiner taking the time to grant the telephonic interview of April 6, 2009 in which the Examiner indicated that the arguments presented below would overcome the rejection and in particular would remove Nakanaga. Applicants have made clarifying non-substantive amendments to several claims such that claim recitations are more consistent throughout the claims. However, Applicants have not made any amendments to the claims in view of the rejection, as Applicants respectfully traverse the rejections as discussed below. As such, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

#### **Independent Claims 1, 14, 25, 34, and 43**

Independent Claims 1, 14, 25, and 43 of the present application generally recite, amongst other things, that the mobile terminal executes a web server that provides for a remote network device to access the mobile terminal via a network connection. Specifically, independent Claim 1 recites a "mobile terminal apparatus . . . comprising a processor that executes a web server." Independent Claim 14 recites "providing for a mobile terminal that implements a web server," "initiating a web browser application at a remote network device," and "accessing, at the remote network device, the mobile terminal via a network connection to the web server of the mobile terminal." Independent Claim 25 recites "a web server executed by the mobile terminal." Independent Claim 43 recites "a mobile terminal including a first processor that executes a web server" and "a remote network device including a second processor that executes a web browser application that provides access to the web server of the mobile terminal." Although independent Claim 34 does not specifically recite a "web server," Claim 34 is directed to such an application that is capable of providing a remote network device access to a mobile terminal, and

of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal.

Accordingly, Applicants submit that even given their broadest meaning, independent Claims 1, 14, 25, and 43 recite that the mobile terminal executes/implements a web server. In this regard, the mobile terminal executes a web server that provides remote network devices access to an addressable website, portal or homepage that resides on the mobile terminal. The mobile terminal will generally function similar to an origin server residing in the Internet. *See, e.g.*, paragraph 30 of the present application. Applicants submit, however, that the Examiner has yet to cite a reference that teaches or suggests a mobile terminal that executes a web server. The Office Action admits that, "Watkinson does not explicitly disclose a web server that provides for a remote network device to access the mobile terminal via a wireless communication link." The Examiner instead relies on paragraphs 14 and 31-33 of Nakanaga as disclosing "a web server that provides for a remote network device to access the mobile terminal via a wireless communication link." *See, e.g.*, Page 3 of the Office Action of January 7, 2009. Applicants once again note, however, that independent Claims 1, 14, 25, and 43 are not so broad as to include "a web server that provides for a remote network device to access the mobile terminal via a wireeless communication link," and instead recite a mobile terminal that executes/implements a web server. Indeed, the Examiner clearly seems to be overlooking the plain text reading of the claims, as the claims do not recite a "web server that provides for a remote network device to access the mobile terminal via a wireless communication link," but rather recite that the mobile terminal executes a web server.

Further, Applicants submit that Nakanaga, just like each previous secondary reference cited by the Examiner, entirely fails to teach or suggest a mobile terminal that executes/implements a web server. In this regard, Nakanaga explicitly teaches that the web server 42 is implemented by the internet network 100. The browser phone 10 (what Applicants assume the Examiner posits is a mobile terminal) is described to implement a browsing function and browse home pages provided by the internet network 100 through the web server 42 and/or HP forming auxiliary server 41. *See*, FIGs. 1, 3, 4, 5, and 6 and paragraphs 31-32 of Nakanaga. Accordingly, as clearly illustrated and taught by Nakanaga, Nakanaga at most teaches mobile

terminals that implement a browsing function and are configured to access a home page from a web server located on the network side and not on a mobile terminal. Obviously, then, Nakanaga explicitly teaches away from the claimed invention and teaches the opposite of the proposition it is cited for in the Office Action.

Further, as discussed with the Examiner during the telephonic interview, paragraph 31 of Nakanaga lists elements constituting a first embodiment of the invention taught by Nakanaga. Looking to the immediately preceding paragraph 30, the first embodiment of the invention taught by Nakanaga is said to be illustrated in FIG. 1. Accordingly, looking to FIG. 1, the mobile telephone set (browser phone 10), base station 20, network center 30, internet network 100, HP forming auxiliary server 41, and web server 42 are all separate entities. Thus, paragraph 31 cannot be construed to teach that the browser phone 10 has a web server 42. Instead, reading paragraph 31 in context of FIG. 1, the browser phone 10 is said only to have a browsing function. The comma following “browsing function” serves to separate entities in a list of entities constituting the first embodiment illustrated in FIG. 1, one of which is the browser phone 10 and a second of which is the separate web server 42.

Accordingly, since neither Watkinson nor Nakanaga, taken alone or in combination, teach or suggest a web server executed/implemented by a mobile terminal as recited by independent Claims 1, 14, 25, and 43, Applicants submit that the rejection of independent Claims 1, 14, 25, and 43 is overcome.

Although independent Claim 34 does not specifically recite a “web server,” Claim 34 is directed to such an application that is capable of providing a remote network device access to a mobile terminal, and of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal. Thus, Applicants submit that Claim 34 is patentably distinct from the cited references, taken alone or in combination, for at least the same reasons as discussed above in connection with independent Claims 1, 14, 25, and 43 and thus the rejection of Claim 34 is overcome.

The Rejection of the Dependent Claims is Overcome

Since each dependent claim includes all of the recitations of a respective independent claim, Applicants submit that all of the dependent claims are as well patentably distinct over the cited references taken alone or in combination for at least the reasons discussed above as well as the below arguments with respect to certain dependent claims.

In addition, Applicants have previously presented several of the below arguments with respect to certain dependent claims which the Examiner seems to have entirely ignored. Accordingly, Applicants resubmit the below arguments and respectfully request the Examiner to address each argument in its entirety.

Dependent Claims 6, 18, 21-24, 39-42, and 46 all generally recite accessing devices associated with the mobile terminal from a remote network device. These devices as variously recited by some of dependent Claims 6, 18, 21-24, 39-42, and 46 include, for example, a telephone, camera, video recording device, GPS receiver, and/or audio recording device. The Office Action posits that Watkinson discloses that the content engine application provides for functional access by the remote network device to one or more mobile terminal devices. Applicants submit that paragraph 24 in particular, as well as other paragraphs of Watkinson cited by the Office Action (i.e., paragraphs 30 and 58), and, indeed, the entirety of Watkinson, does not teach or suggest allowing a remote network device to access one or more devices associated with the mobile terminal, but rather merely discloses remotely accessing image databases (which are not disclosed to be resident on or at a mobile terminal). With respect to Claim 21, which recites “activating, at the remote device, a Global Position System device associated with the mobile terminal,” the Office Action submits that Paragraph 33 of Nakanaga teaches this recitation. Applicants are unclear whether the citation of Nakanaga paragraph 33 is a typo given the citation of paragraph 33 of Watkinson in connection with similar claims, but in any case, Applicants further submit that Nakanaga does not teach or suggest accessing or activating devices associated with a mobile terminal and indeed, the cited section of Nakanaga does not even mention a global positioning system device.

Dependent Claim 4 recites executing a display redirect application that provides for redirecting display of accessed devices from the mobile terminal display to a display associated with the remote network device. The Office Action relies on paragraphs 40 and 43 of Nakanaga

as disclosing this recitation. However, these paragraphs and Nakanaga in general at most disclose the browser phone 10 displaying a home page screen transmitted by the HP forming auxiliary server 41. Accordingly, Nakanaga does not teach or suggest redirecting display of accessed devices from the mobile terminal display to a display associated with the remote network device and thus Claim 4 is patentably distinct over the cited references, taken alone or in combination. Accordingly, Applicants submit that the rejection of Claim 4 is overcome.

Dependent Claim 13 recites a mobile terminal apparatus comprising a motion sensor in communication with an HTTP push application that provides for information to be pushed from the mobile terminal to the remote network device during an active networking session when requisite motion occurs within the mobile terminal. The Office Action relies on paragraph 29 of Watkinson as disclosing this recitation. However, paragraph 29 of Watkinson merely teaches synchronizing image databases. Nor does any other part of Watkinson teach or suggest a mobile terminal apparatus comprising a motion sensor in communication with an HTTP push application that provides for information to be pushed from the mobile terminal to the remote network device during an active networking session when requisite motion occurs within the mobile terminal. Nakanaga also does not teach or suggest dependent Claim 13 and indeed is not relied upon for such and thus Claim 13 is patentably distinct over the cited references, taken alone or in combination. Accordingly, Applicants submit that the rejection of Claim 13 is overcome.

Dependent Claim 27 recites accessing the applications associated with the mobile terminal to provide diagnostic analysis to the mobile terminal. In this regard, diagnostic analysis, such as regarding an operating condition of the mobile terminal may be provided to the mobile terminal. The Office Action cites paragraph 58 of Nakanaga as disclosing the recitation of Claim 27. However, at most Nakanaga teaches the HP forming auxiliary server 41, which is located on the network 100 accessing a mail server 43, which is also located on the network 100 to check whether a mail arrived at the mail address for forming a home page. Accordingly, Nakanaga does not teach or suggest accessing applications associated with the mobile terminal, let alone providing diagnostic analysis to the mobile terminal. Watkinson also does not teach or

suggest providing diagnostic analysis to the mobile terminal and is not relied upon for such. Accordingly, the rejection of Claim 27 is overcome.

Dependent Claim 28 recites debugging the mobile terminal by tracing data communicated from the mobile terminal. In this regard, debugging refers to “a methodical process of finding and reducing the number of bugs, or defects, in a computer program or a piece of electronic hardware thus making it behave as expected.” See, <http://en.wikipedia.org/wiki/Debugging>. The Office Action states that Paragraph 58 of Nakanaga discloses debugging the mobile terminal by tracing data communicated from the mobile terminal. Applicants again submit, however, that neither Nakanaga nor Watkinson, taken alone or in combination, teaches or suggests debugging the mobile terminal as claimed by Claim 28. Accordingly, Applicants submit that the rejection of Claim 28 is overcome.

Dependent Claim 30 recites monitoring the strength of the wireless signal provided to the mobile terminal. The Office Action cites paragraphs 74 and 81 of Nakanaga as disclosing this recitation. However, paragraph 74 merely posits that “FIG. 6 is a system diagram of the fifth embodiment of a mobile telephone system according to the present invention” and paragraph 81 merely describes content that may be included on a browser phone purchaser’s home page that is served by a server on the network 100. There is not even a remote suggestion of monitoring the strength of a wireless signal provided to the mobile terminal. Watkinson also does not teach or suggest monitoring the strength of the wireless signal provided to the mobile terminal and is not relied upon for such and thus Claim 30 is patentably distinct over the cited references, taken alone or in combination. Accordingly, Applicants submit that the rejection of Claim 30 is overcome.

**Conclusion**

In view of the remarks and amendments presented above, it is respectfully submitted that the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Charles A. Leyes  
Registration No. 61,317

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON APRIL 6, 2009.

LEGAL02/30122888v1